

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

ING GLOBAL,

Plaintiff,

v.

UNITED PARCEL SERVICE OASIS SUPPLY  
CORPORATION; and BONE SAFETY SIGNS  
LLC,

Defendants.

---

UNITED PARCEL SERVICE OASIS SUPPLY  
CORPORATION,

Counter-Claimant,

v.

ING GLOBAL,

Counter-Defendant.

---

CASE NO. 11-cv-05697 (JSR)

**NOTICE OF MOTION BY UPS OASIS FOR PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law in Support of UPS Oasis' Motion for Partial Summary Judgment, dated February 10, 2012; the accompanying Local Civil Rule 56.1(a) Statement of Facts, dated February 10, 2012, and all Exhibits annexed thereto; and upon all prior pleadings and proceedings had herein, Defendant/Counter-Claimant United Parcel Service Oasis Supply Corporation ("UPS Oasis") will move this Court pursuant to Fed. R. Civ. P. 56 for: (1) summary judgment in favor of UPS Oasis on Count Two (Fraud) of Plaintiff's Amended Complaint; and (2) summary

judgment as to liability (including liability for contractual attorneys' fees) in favor of UPS Oasis on UPS Oasis' breach of contract counterclaims: Count One (Failure/Refusal to Repair RNCs) and Count Two (Breach of Confidentiality).

PLEASE TAKE FURTHER NOTICE that UPS Oasis' motion will be made and oral argument will be heard in Room 14-B of the United States District Court for the Southern District of New York – Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007, before the Honorable Jed S. Rakoff, on Friday, March 9, 2012, at 4:00 p.m., or as soon thereafter as counsel may be heard. Pursuant to the Court's case management plan, as modified by the Court on February 6, 2012, this Motion must be filed on or before February 10, 2012, opposition papers, if any, must be filed on or before February 24, 2012, and reply papers, if any, must be filed on or before March 2, 2012.

Dated: February 10, 2012

DEFENDANT / COUNTER CLAIMANT –  
UNITED PARCEL SERVICE OASIS  
SUPPLY CORPORATION

By /s/ Robert E. Kaelin  
Robert E. Kaelin – RK4185  
rkaelin@murthalaw.com  
Michael D. Goldfarb – MG8237  
mgoldfarb@murthalaw.com

Murtha Cullina LLP  
CityPlace I - 185 Asylum Street  
Hartford, Connecticut 06103-3469  
Telephone: (860) 240-6000  
Fax: (860) 240-6150  
Its Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Robert E. Kaelin  
Robert E. Kaelin – RK4185